



IEW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.07US06

Stephen D. Kuslich

Confirmation No.: 2692

Application No.: 10/812,345

Examiner: Unknown

Filed: March 29, 2004

Group Art Unit: 3732

For: ANNULUS-REINFORCING BAND

INFORMATION DISCLOSURE STATEMENT

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Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

Copies of the references were cited by or submitted to the Office in Patent Application No. 10/022,048, filed December 17, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these references are not attached. 37 C.F.R. § 1.98(d).

Respectfully submitted,



Wendy J. Cusick
Registration No. 52,788

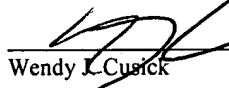
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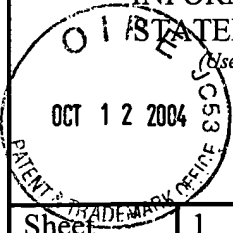
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/812,345
				Filing Date	March 29, 2004
				First Named Inventor	Kuslich
				Art Unit	3732
				Examiner Name	Unknown
Sheet	1	of	3	Attorney Docket Number	3110.07US06
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Number-Kind Code ² (if known)			
		US-4,401,112	08-1983	Rezaian	
		US-4,501,269	02-1985	Bagby	
		US-4,743,256	05-1988	Brantigan	
		US-4,772,287	09-1988	Ray	
		US-4,820,305	04-1989	Harms et al.	
		US-4,834,757	05-1989	Brantigan	
		US-4,878,915	11-1989	Brantigan	
		US-4,936,848	06-1990	Bagby	
		US-4,946,458	08-1990	Harms et al.	
		US-5,015,247	05-1991	Michelson	
		US-5,015,255	05-1991	Kuslich	
		US-5,059,193	10-1991	Kuslich	
		US-5,092,266	03-1992	Kuo	
		US-5,192,326	03-1993	Bao et al.	
		US-5,263,953	11-1993	Bagby	
		US-5,331,975	07-1994	Bonutti	
		US-5,405,391	04-1995	Hendersen et al.	
		US-5,489,307	02-1996	Kuslich	
		US-5,489,308	02-1996	Kuslich	
FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
		WO-99/02108	01-1999		
		WO-00/67650	11-2000		
EXAMINER SIGNATURE			DATE CONSIDERED		
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p>					

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Sheet	2	of	3	Attorney Docket Number	3110.07US06

U.S. PATENT DOCUMENTS

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		Number-Kind Code ² (if known)		
		US-5,514,180	05-1996	Heggeness et al.
		US-5,549,679	08-1996	Kuslich
		US-5,571,189	11-1996	Kuslich
		US5,591,235-	01-1997	Kuslich
		US-5,645,597	07-1997	Krapiva
		US-5,669,909	09-1997	Zdeblick et al.
		US-5,700,291	12-1997	Kuslich et al.
		US-5,709,683	01-1998	Bagby
		US-5,720,748	02-1998	Kuslich
		US-5,735,899	04-1998	Schwartz et al.
		US-5,895,427	04-1999	Kuslich
		US-5,972,031	10-1999	Biedermann et al.
		US-6,010,502	01-2000	Bagby
		US-6,015,436	01-2000	Schonhoffer
		US-6,039,762	03-2000	McKay
		US-6,127,597	10-2000	Beyar et al.
		US-6,332,894	12-2001	Stalcup et al.
		US-6,447,543	09-2002	Studer et al.
		US-		

FOREIGN PATENT DOCUMENTS

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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				Examiner Name	Unknown
Sheet	3	of	3	Attorney Docket Number	3110.07US06

NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		<i>Lumbar Interbody Cage Fusion for Back Pain: An Update on the BAK (Bagby and Kuslich) System</i> , S.D. Kuslich, <u>Spine State of the Art Reviews</u> 1999; 13 (2): 295-311.	
		<i>Summary of Safety and Effectiveness of the BAK Interbody Fusion System</i> , Food and Drug Administration (FDA) (PMA 95002), PMA Document Mail Center (HFZ-401), Center for Disease and Radiological Health, Washington DC, Sept. 20, 1996, pp. 4-21.	
		<i>Granular Solids, Liquids, and Gases</i> , by H.M. Jaeger, S.R. Nagel and R.P. Behringer, <u>Rev. Mod. Phys.</u> 68, pp. 1259-1273 (1996).	
		<i>The Tissue Origin of Mechanical Low Back Pain and Sciatica as Identified by Spinal Microsurgery</i> , S.D. Kuslich, <u>Orthop. Clin. North. Amer.</u> , pp. 595-600 (1991).	
		<i>The Bak (Bagby and Kuslich) Method of Lumbar Interbody Fusion</i> , Kuslich et al., <u>SPINE</u> , 23:1267-1279 (1998).	

EXAMINER SIGNATURE	DATE CONSIDERED
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